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Letter dated 24 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a statement by Oleksandr Turchynov, President of the Parliament of Ukraine (Verkhovna Rada) and Acting President of Ukraine (see annex).

The document addresses the issue of the current situation in Ukraine.

I should be grateful if the present letter and its annex were circulated as a document of the Security Council at the briefing to be held in the Security Council today by the Chairperson-in-Office of the Organization for Security and Cooperation in Europe.

(*Signed*) Yuriy **Sergeyev**
Permanent Representative

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Annex to the letter dated 24 February 2014 from the Permanent Representative of Ukraine to the United Nations addressed to the President of the Security Council

With regard to the intention of the Security Council of the United Nations to consider the report of the Chairman of the Organization for Security and Cooperation in Europe, Minister for Foreign Affairs of Switzerland Didier Burkhalter, on the situation in Ukraine, I have the honour to request the circulation of the materials on this matter among the members of the Security Council (see enclosure).

(*Signed*) Oleksandr **Turchynov**
Acting President of Ukraine
Speaker of the Verkhovna Rada of Ukraine

Enclosure

On 21 February 2014, the President of Ukraine, V. Yanukovych, on the one side, and the opposition leaders, V. Klychko, O. Tyahnybok and A. Yatsenyuk, on the other side, signed an "Agreement on the Settlement of the Crisis in Ukraine" (the Agreement). Negotiations on the Agreement were held with the participation of European Union representatives, including the Minister for Foreign Affairs of Poland, R. Sikorski, the Minister for Foreign Affairs of Germany, F. Steinmeier, and the Minister for Foreign Affairs of France, L. Fabius, as well as V. Lukin, a Special Envoy of the President of the Russian Federation.

At 10 a.m. on 21 February 2014, the text of the Agreement was approved by the parties and signed by V. Yanukovych, V. Klychko, O. Tyahnybok, and A. Yatsenyuk, R. Sikorski, F. Steinmeier and L. Fabius.

V. Lukin, a Representative of the Russian Federation, did not sign the Agreement, thereby not recognizing it.

According to the Agreement, within 48 hours after the signing of the Agreement a special law that would restore the Ukrainian Constitution of 2004 had to be adopted by the Verkhovna Rada, signed by the President and made public.

The parties also agreed on the early presidential elections to be held immediately after the adoption of the new Constitution of Ukraine, but no later than December 2014. The parties agreed to refrain from the use of violence.

In order to implement the Agreement, the Verkhovna Rada adopted by a constitutional majority (386 votes) the Law of Ukraine "On Restoring Specific Provisions of the Constitution of Ukraine" that provided for the restoration of the Constitution of Ukraine of 2004.

Meanwhile, on 22 February 2014, V. Yanukovych publicly stated in a video-interview that he renounced the Agreement and had no intention of signing the law restoring the Constitution of 2004 adopted by the Parliament, left the city of Kyiv for an unknown destination and, in fact, removed himself from his constitutional authority.

Therefore, on 22 February 2014, the Verkhovna Rada of Ukraine, which was the only legitimate authority in Ukraine, given the absence of a legitimate Government of Ukraine (which resigned on 28 January 2014) and the President's self-removal from exercising his functions, adopted Decree No. 750-VII "On the Text of the Constitution of Ukraine as of June 28, 1996, with amendments, adopted by the laws of Ukraine Xa 2222-IV of December 8, 2004, Xa 2952-VI of February 1, 2011, and *Ni* 586-VII of September 19, 2013".

By this Decree, the Parliament of Ukraine, based on its exclusive authority to amend the Constitution of Ukraine, considering the Conclusions of the European Commission for Democracy through Law entitled "On the Constitutional Situation in Ukraine" of December 20, 2010, aiming at restoring the legitimacy of the constitutional order in Ukraine, declared that the provisions of the Constitution of Ukraine adopted at the 5th session of the Verkhovna Rada of Ukraine on 28 June 1996, with amendments adopted by the laws of Ukraine No. 2222-IV of 8 December 2004, *Jk* 2952-VI of 1 February 2011, and No. 586-VII of 19 September 2013 are in force.

This decree will be in effect until the Law of Ukraine "On Restoring the Specific Provisions of the Constitution of Ukraine" *Jk* 742 adopted on 21 February 2014, enters into force.

Moreover, considering the actual renunciation of the Agreement by V. Yanukovych, the Verkhovna Rada of Ukraine on 22 February 2014 adopted the following decrees: "On the Removal of the President of Ukraine from his Constitutional Authority and Early Elections of the President of Ukraine" and "On Assuming Political Responsibility for the Situation in Ukraine".

By these decisions the Parliament of Ukraine recognized that the President of Ukraine, V. Yanukovych, removed himself from his constitutional duties through unconstitutional means and did not perform his duties, and set the early elections of the President of Ukraine for 25 May 2014.

Therefore, according to article 112 of the Constitution of Ukraine of 2004 (in the case of the early termination of powers of the President of Ukraine, the functions of the President of Ukraine shall be carried out by the Speaker of the Parliament, until a new President is elected and inaugurated), the only legitimate supreme authority in Ukraine is the Verkhovna Rada of Ukraine.

All decisions adopted by the Parliament are aimed at the soonest creation of the constitutional government authorities in Ukraine, the expression of the sovereign will of the Ukrainian people and the restoration of the civil peace in Ukraine.

Thus, the opposition and the members of Parliament of the former ruling party majority in the Parliament secured realization of the provisions of the Agreement since V. Yanukovych removed himself from the implementation of the peaceful arrangements and his official duties.

In this regard, the stance of the Russian side on the failure of the opposition to implement the Agreement is groundless and without merit, in as much as the Agreement was not fulfilled by the ex-President, V. Yanukovych, himself, which was proved both by his actions — in accordance with the Agreement he was to sign the law adopted by the Parliament restoring the Constitution of Ukraine of 2004 by 10 a.m. on 23 February 2014 — and by his public statements.

Moreover, such a stance by the Russian side is surprising given the fact that Russian Envoy V. Lukin, in fact, refused to recognize the Agreement at the time of its signing.